

DEAR MS. ELAINE FLAHERTY +

FILED  
IN CLERKS OFFICE

JUDGE RICHARD G. STEARNS -

2005 FEB 14  
HALL 2:43

U.S. DISTRICT COURT  
DISTRICT OF MASS.

I MARGARETTA LAMBO's please  
have called you for over 3 wks +  
RECEIVED "ALL" Impounded Evidence  
you PERSONALLY Impounded on Cases

- 1) 99-10227 R.G.S.
- 2) 99-10228 R.G.S.
- 3) 99-10229 R.G.S.
- 4) 99-10230 R.G.S.
- 5) 99-10231 R.G.S.
- 6) 99-10232 R.G.S.
- 7) 99-10233 R.G.S.

PLEASE  
JUDGE  
CLERK  
P. CLERK  
CASE  
05-10-90  
RWZ

I ASKED you on your VOICEMAIL 6xs  
AND MORE TO PLEASE SEND "ALL EVID." -  
OVER TO U.S.D.A.'S CRIMINAL OFFICE -  
FOR 2/16/05. I will pick up - & place  
INTO my New CASE - AFTER I REVIEW  
ALL EVID in from of U.S.D.A.'S CRIMINAL  
ON 2/16/05 PLEASE RESPECT my  
WISHES - AND so I CAN ENTER ALL  
including AUDIO TAPE of Cop's COUGHT  
DOING AN ILLEGAL SEARCH - TO SHOW I  
WAS "CONVICTED" ILLEGALLY + WRONGLY +  
THE JUDGE HAS IGNORED ALL my EVID,  
WITHOUT HEARING SUMMONS RETURNED -  
DETAILS ON ALL a c GOVERNOR Romney

C.C. U.S.D. X. CRIMINAL —

MR CHRIS BRANDS

C.C. U.S.D. CLERK'S  
FOR THE RECORD  
FOR NEW CASES.

PLEASE DO NOT  
TELL ME THAT ALL  
GOT LOST OF

MISPLACED —  
I ASKED YOU  
TO GIVE IT  
TO U.S.D. X'S  
MR. BRANDS

3 weeks ago on your voice mail

Respectfully  
Submitted

Margaret

Langlois  
J.P. Re.  
2/15/05

ALL EVID. IS BEING USED  
FOR NEW CASES BEFORE JUDGES  
20 Feb.

FILED  
IN CLERKS OFFICE

2005 FEB 16 P 2:45

U.S. DISTRICT COURT  
DISTRICT OF MASS.

To R. J. Stearns  
Judge & Marketa  
Ms. Anne Marketa

DEAR MS. ELAINE HATTERY +  
JUDGE RICHARD G. STEARNS—

I MARGARETTA LAMGLOIS PLEASE  
HAVE CALLED YOU FOR OVER 3 WKS +  
REQUESTED "ALL" Impounded EVIDENCES  
you PERSONALLY "Impounded" ON CASES

FILED  
IN CLERKS OFFICE

2005 FEB 16 2:44

U.S. DISTRICT COURT  
DISTRICT OF MASS.

- 99-10227 R.G.S.
- 99-10228 R.G.S.
- 99-10229 R.G.S.
- 99-10230 R.G.S.
- 99-10231 R.G.S.
- 99-10232 R.G.S.
- 99-10233 R.G.S.

PLEASE  
TURN OVER VOLBEL'S  
CASE  
TO JUDGE FOR  
CLERK 05-10190  
RWZ

I ASKED YOU ON YOUR VOICEMAIL 6XS  
AND MORE TO PLEASE SEND "ALL EVID."—  
OVER TO U.S.D.A'S CRIMINAL OFFICE—  
FOR 2/16/05. I WILL PICK UP—+ PLACE  
INTO MY NEW CASE—AFTER I REVIEW  
ALL EVID IN FROM OF U.S.D.A CRIMINAL  
ON 2/16/05 PLEASE RESPECT MY  
WISHES—AND SO I CAN ENTER ALL  
INCLUDING AUDIO TAPE OF COPS COUGH  
DOING AN ILLEGAL SEARCH—TO SHOW I  
WAS "CONVICTED" ILLEGALLY + WRONGLY +  
THE JUDGE HAS IGNORED ALL MY EVID,  
WITHOUT HEARING'S SUMMONS RETURNED—  
DETAILS ON ALL cc GOVERNOR ROMNEY

C.C. U.S.D. X. CRIMINAL —

MR CHRIS BRANDS

C.C. U.S.D. CLERK'S  
FOR THE RECORD  
FOR NEW CASES.

PLEASE DO NOT  
TELL ME THAT ALL  
GOT LOST OF

MISPLACED —  
I ASKED YOU

TO GIVE IT  
TO U.S.D. X'S

MR. BRANDS

3 weeks ago on your voice mail —

Respectfully  
Submitted —

Margaret

Langlois

Pro. Sec.

2/15/05

\* ALL EVID. IS BEING USED  
FOR NEW CASES BEFORE JUDGES  
20 Feb.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

2005 FEB 16 P 2:44

MARGETTA LANGLOIS,

Plaintiff,

v.

COMMONWEALTH OF MASSACHUSETTS,

Defendant.

C.A. No. 05-10190-RWZ

U.S. DISTRICT COURT  
DISTRICT OF MASS.

CASE SHOULD NOT BE DISMISSED  
MEMORANDUM AND ORDER

W/OUT  
HEARING  
AND ALL EVID  
IMPOUNDED

For the reasons stated below, plaintiff is directed to either pay \$150.00 filing fee for civil actions or submit an application to proceed without prepayment of fees. If plaintiff files an application to proceed without prepayment of the filing fee, she shall also demonstrate good cause why this action should not be dismissed for the reasons stated below.

BACKGROUND

Plaintiff brings this pro se action seeking monetary damages in the amount of \$500,000 from the Commonwealth for "wrongful conviction." With her complaint, plaintiff submits several documents including copies of newspaper articles, a Board of Bar Overseers complaint against plaintiff's criminal trial counsel as well as documents concerning her

PLEASE HAVE ELAINE FAHERY BRING ALL EVID OVER  
PLEASE GET "ALL EVID" IMPOUNDED BY JUDGE  
R. GUSTARNS "THE GARY" + TIM SURE  
EVID. IS MISSING NEVER DOCKETED OR  
RECORDED BY ELAINE FAHERY WHY —

Massachusetts conviction.<sup>1</sup>

In 1997, plaintiff was convicted of maintaining a house of prostitution in violation of G.L. c. 272, § 6 and she subsequently served her sentence at MCI Framingham. It appears that the gravamen of her complaint is that she was wrongfully convicted based upon alleged (1) police misconduct; (2) prosecutorial misconduct; and (3) ineffective assistance of trial counsel.

The Court's records indicate that plaintiff previously filed several civil rights and habeas actions concerning the matters raised in the instant action. See Langlois v. MCI Framingham, C.A. No. 99-10227-RGS (§ 2254 action, dismissed because petitioner no longer in custody); Langlois v. John McBride, et al., C.A. No. 99-10228-RGS (§ 1983 action, summary dismissal); Langlois v. O'Donnell, C.A. No. 99-10229-RGS (§ 1983 action, summary dismissal); Langlois v. Massachusetts Dep't of Corr., C.A. No. 99-10230-RGS (civil action summarily dismissed), appeal dismissed, No. 00-1125 (appeal dismissed for want of prosecution); Langlois v. Massachusetts Dep't of Corr., C.A. No. 99-10231-RGS (civil

---

<sup>1</sup>Pursuant to Fed. R. Civ. P. 10(c), a Court may treat exhibits to the complaint as "a part [of the pleading] for all purposes" including a motion to dismiss. See Blackstone Realty, LLC v. FDIC, 244 F.3d 193, 195 (1<sup>st</sup> Cir. 2001).



action summarily dismissed), appeal dismissed, No. 00-1126  
(appeal dismissed); Langlois v. Middlesex Superior Court, et  
al., C.A. No. 99-10232-RGS (§ 1983 action, summary dismissal);  
and Langlois v. Middlesex Superior Court, et al., C.A. No.

99-10233-RGS (§ 1983 action, summary dismissal). *ALL DISMISSED  
WITHOUT 30 DAY SUMMONS RETURNED NO HEARINGS NO EVID. & NO  
TAPE, P.I. AFF, COPY OF S.W. ALL THROWN INTO IMPOUNDMENT NOT DOCKETED  
WHY?!*

As an initial matter, plaintiff has not paid the filing  
fee nor filed an application for waiver of the filing fee. A  
party filing a civil action in this Court must either (1) pay  
the \$150 filing fee for civil actions or (2) file an  
application to proceed without prepayment of the filing fee.  
See 28 U.S.C. § 1914 (filing fee for civil actions); Fee  
Schedule for the District of Massachusetts; 28 U.S.C. § 1915  
(proceedings in forma pauperis). *Pd. 2/10/05 By Check*

Because Langlois has not submitted the filing fee or an  
application for waiver of the filing fee, she will be granted  
additional time to do so. However, plaintiff is advised that  
her complaint is subject to dismissal. *Pd. 2/10/05 By Check*

The Eleventh Amendment<sup>2</sup> generally is recognized as a bar

<sup>2</sup>The Eleventh Amendment to the United States Constitution  
provides that:

The Judicial power of the United States shall not be  
construed to extend to any suit in law or equity,  
commenced or prosecuted against one of the United  
States by Citizens of another State, or by Citizens

*Violations of Plaintiff's Civil Rights Notice &  
REQUESTS FOR HEARINGS IGNORED WHY? ALL EVID. IMPOUNDED.*



to suits against a State, its departments and agencies unless the State has consented to suit. Alabama v. Pugh, 438 U.S. 781, 781 (1978) (per curiam). Unless a State has "waived its Eleventh Amendment immunity or Congress has overridden it, ... a State cannot be sued directly in its own name regardless of the relief sought." Kentucky v. Graham, 473 U.S. 159, 167 n. 14 (1985) (citing Pugh). Here, the Commonwealth has not consented to suit, see Brown v. Newberger, 291 F.3d 89, 92 (1<sup>st</sup> Cir. 2002) (stating that there has been no unequivocal abrogation of the Commonwealth's Eleventh Amendment immunity). Thus, the Eleventh Amendment bars plaintiff's suit against the Commonwealth. See Puerto Rico Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc., 506 U.S. 139, 142-144 (1993) (11<sup>th</sup> Amendment operates as a withdrawal of jurisdiction).

Moreover, the statute of limitations for claims under the Civil Rights Act is three years. Nieves v. McSweeney, 241 F.3d 46, 52-53 (1<sup>st</sup> Cir. 2001) (§ 1983); cf. Rodriguez-Garcia v. Municipality of Caguas, 354 F.3d 91, 96 (1<sup>st</sup> Cir. 2004) (§§ 1981, 1983, and 1985 borrow the forum state's statute of limitations for personal injury claims); Mass. Gen. Laws ch.

---

or Subjects of any Foreign State.

U.S. Const. Amend. XIV.

GOVERNOR Romney Passed A New Law for  
"WRONFULLY CONVICTED." 1/1/05

260, § 2A (three-year statute of limitations for personal injury claims).

*HAS BEEN plenty of ACTION ON ALL CASES BEFORE 99-10227 R. 63. TO 99-10233 R. 63. NOT DOCKETED AND DENIED why?*

Thus, because the actions of which plaintiff complains occurred well over three years ago, it appears that this action, to the extent it is brought pursuant to the Civil

*JUDGE HAS IMPOSED ALL sorts of DENYING PLAINTIFFS RIGHTS TO HEAR & DEFEND - why?*

Rights Act, is untimely.

CONCLUSION

ACCORDINGLY, if plaintiff wishes to proceed with this action, she shall, within ten (10) days of the date of this Memorandum and Order, (1) either pay the \$150.00 filing fee or file an Application to Proceed Without Prepayment of Fees; and (2) if she submits an Application to Proceed Without Prepayment of Fees, she shall also demonstrate good cause, in writing, why this action should not be dismissed for the reasons stated above. *PD. BY CHECKS —*

If plaintiff fails to either pay the filing fee or file an Application to Proceed Without Prepayment of Fees accompanied by a document demonstrating good cause, this action will be dismissed without prejudice. *2/10/05 Pd. BY CHECK*

The Clerk is directed to send to plaintiff an Application to Proceed Without Prepayment of Fees and Affidavit with this Order.

SO ORDERED.

*PD. 2/10/05 BY check filing fees*

*Margaretta 2/16/05  
Langlois Zobel  
Clerk Judge C. S. Dr.  
Martha Cookley  
C. S. Judge  
STEPH*

Dated at Boston, Massachusetts, this 4th day of February, 2005.

/s/ Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE

EVID. TO BE PRODUCED AT PRE-TRIAL HEARING WITH HEID BY PROSECUTORS, DA. & A.D.A. Police <sup>#5</sup> (Mc Bride - & ALL LAWYERS AFTER #6, 7, 8)

1) AUDIO TAPE NEVER PRODUCED - w/ HEID AT TRIAL DUE TO POLICE CONDUCTING ILLEGAL SEARCH w/ NO SEARCH WARRANT -

2) P.I. KEVIN FLYNN w/ HEID BY ALL TO TESTIFY - w/ POLICE COMMITTING PERJURY TO FALSELY INDICT - w/ TESTIFY NOW TO TELL CONSPIRACY, CORUPTION & COVER-UP.

3) #2 RICHARD DAVIDSON TO TESTIFY <sup>1</sup> ALL EVID. TAMPERED WITH BY COMM. & POLICE ONCE IN

THEIR CUSTODY - ③ SEARCH WARRANT <sup>8</sup> ISSUED

ISSUED FALSE - ③ MONIES MISSING - ④ STATEMENT (FALSE & FORGED) ⑤ INDICTMENTS FALSE, PERJURY, & DISTORTED, BY COP'S (FALSELY INDICTED) w/ EVID. ⑥ FALSE & DESTROYED EVID - BY POLICE & JOHN C. Mc BRIDE. REFUSED TO PRESENT EVERYTHING - TO JUDGE ALONE w/ A.D.A. DA POLICE, EXP. ATTORNEY BILLY KEENE UNCOVERED EVID (w/ HEID BY Mc BRIDE - TO FINALLY CONVICT - ALL CAN BE REVIEWED - ALL